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Attorneys for Defendant
FENIX INTERNET LLC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MARCELO MUTO, and all others
similarly situated,

Plaintiff,

v.

FENIX INTERNATIONAL LIMITED;
FENIX INTERNET LLC, a Delaware
limited liability corporation,

Defendants.

CASE NO. 5:22-cv-02164

**DECLARATION OF JACOB M.
HEATH IN SUPPORT OF
STIPULATION TO EXTEND TIME
TO RESPOND TO FIRST AMENDED
COMPLAINT BY MORE THAN 30
DAYS**

Judge: Hon. Sunshine S. Sykes

Complaint served: November 4, 2022

Current response date: December 12, 2022

New response date: February 10, 2023

I, Jacob M. Heath, declare as follows:

1. I am an attorney admitted to practice in the State of California and in the United States District Court for the Central District of California. I am an attorney at Orrick, Herrington & Sutcliffe LLP, and counsel for Fenix Internet LLC in this action. I make this declaration based on my personal knowledge and review of

1 company records maintained in the regular course of Fenix Internet, LLC's business.
2 I could competently testify to the matters set forth herein if called do so as a witness
3 in court.

4 2. Fenix Internet, LLC has its principal place of business at 501 Silverside
5 Road, Suite 87AXK, Wilmington, Delaware, and is organized under the laws of
6 Delaware.

7 3. Pursuant to California Code of Civil Procedure § 415.40, Plaintiff
8 Marcelo Muto ("Plaintiff") served the summons and First Amended Complaint
9 ("FAC") on Fenix Internet's registered agent in Delaware via certified mail, with an
10 effective date of service on November 4, 2022.

11 4. Defendant Fenix International Limited is incorporated and registered in
12 England and Wales, with its headquarters in London. Defendant Fenix International
13 Limited ("FIL") has not yet been served with either the Complaint or FAC. Counsel
14 for Defendant Fenix Internet will also serve as counsel for Defendant FIL in this
15 action (collectively, "Defendants").

16 5. The parties' counsel met and conferred on December 2, 2022, and
17 December 6, 2022. During the meet and confer, Plaintiff's counsel indicated that
18 Plaintiff does not intend to contest removal to this Court. Defendants' counsel also
19 informed Plaintiff's counsel that Defendants intend to file a motion to dismiss the
20 FAC. In order to facilitate the efficient management of this action, Defendants'
21 counsel proposed that FIL would agree to authorize counsel to accept service on its
22 behalf in exchange for Plaintiff's agreement to stipulate and request that the Court
23 set a deadline of February 10, 2023, for Defendants to respond to the FAC.
24 Defendants' counsel made clear that FIL's authorization for counsel to accept service
25 is limited solely to acceptance of service of the FAC in this matter, and is neither
26 intended to authorize, nor be construed in any way as authorizing, service in any other
27 proceeding.
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